

Trade agreements must include protections

Tom Broderick

November 14, 2017

U.S. Trade Representative (USTR) Robert Lighthizer recently stated, "It's always odd to me when business people come around and say, 'Oh, we just want our investments protected.' Unfortunately, it doesn't work that way in the markets."

Lighthizer was referring to Investment-State Dispute Settlement (ISDS). Trans-National Corporations (TNCs) have managed to include ISDS as part of many international "trade agreements." ISDS strips sovereign nations of the right to a trial before national court systems. When ISDS is part of a trade agreement, it authorizes a panel of three pro-corporate "judges" to adjudicate trade cases that have been brought by TNCs against sovereign nations. There is no appeal process to overturn a decision under ISDS. TNCs have even sued to recover (sic) future profits.

During the renegotiation of the North American Free Trade Agreement (NAFTA), TNCs are lobbying to keep ISDS in place. Lighthizer wants TNCs to put their investments on the line and not sidestep the U.S. judicial system. The CATO Institute (a libertarian think tank) issued a paper declaring ISDS inimical to national sovereignty.

TNCs want to "safely" invest money and rely on pro-trade lobbyists/judges to settle cases free from U.S. judicial oversight. Food safety, child labor and workers' rights, environmental regulation, drug patent extensions and banking regulations are among the issues that would be up for grabs under corporate-dominated ISDS.

Thomas Jefferson once said, "Merchants have no country. The mere spot they stand on does not constitute a strong enough attachment as that from which they draw their gains."

The International Labour Organization has eight Fundamental Conventions that countries can sign and make part of trade agreements. Mexico, Canada and the U.S. are the three signatories to NAFTA. Mexico and Canada have signed seven of the eight. The United States has signed two: Opposition to The Worst Forms of Child Labor Violations and Opposition to Forced Labor. The U.S. should make the eight Fundamental Conventions part of every trade agreement. To view the ILO conventions, go to Conventions & Recommendations - ILO.

Regarding environmental issues, the U.S. should adopt the demands found in the People's Agreement reached at the World Peoples' Conference on Climate Change and signed at Cochabamba, Bolivia on April 22, 2010. These demands have been made on developed countries by people from less developed nations. They should become part of any trade agreement that the U.S. signs. To view them, search for Outcomes Of The WPC On Climate Change In Bolivia.

If you feel that a call for the U.S. to enshrine the above-mentioned labor and environmental solutions as part of our trade deals is "pie in the sky," let me briefly define "Neoliberalism": amassing profit for the few while enhancing corporate power.

All the "trade" agreements the U.S. has recently signed have been shaped by several hundred lobbyists in the employ of TNCs. That's "fox in the hen house." Time to deny the 1% and grow our democracy.

Eliminate ISDS from any and all trade agreements.